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13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 SAN FRANCISCO DIVISION

16 UNITED STATES OF AMERICA,) Case No. CR 18-577 CRB
17 Plaintiff,)
18 v.)
19 STEPHEN KEITH CHAMBERLAIN,)
20 Defendant.)
21 _____)

22 **STIPULATION**

23 WHEREAS, on November 29, 2018, the Grand Jury returned an Indictment against Michael
24 Richard Lynch and Stephen Keith Chamberlain, both residents of the United Kingdom;

25 WHEREAS, on February 4, 2019, defendant Chamberlain (“the defendant”) appeared before the
26 Court (with counsel specially appearing), was arraigned on the Indictment, and pleaded not guilty to all
27 counts;

28 WHEREAS, at the February 4, 2019 hearing, the Court continued the matter to February 27,
29 2019, found that this matter is complex, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(ii), and found
30 that the time from February 4, 2019, through February 27, 2019, shall be excluded from computation

1 under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), (B)(ii) & (iv) [ECF No. 12 at 27:11-12, 37:4-
2 38:3 & ECF No. 13];

3 WHEREAS, on February 27, 2019, the Court conducted a status conference in this matter [ECF
4 No. 17]; the defendant's appearance was waived [ECF No. 12 at 34-36];

5 WHEREAS, at the February 27, 2019 hearing, the Court continued the matter to April 2, 2019,
6 and found that the time from February 27, 2019, through April 2, 2019, shall be excluded from
7 computation under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), (B)(ii) & (iv) [ECF No. 20 at
8 11:10-19 & ECF No. 17];

9 WHEREAS, on March 21, 2019, the Grand Jury returned a Superseding Indictment against
10 Lynch and Chamberlain [ECF No. 21];

11 WHEREAS, on April 2, 2019, the Court conducted a status conference in this matter, during
12 which the defendant was arraigned on the Superseding Indictment, the defendant pleaded not guilty to
13 all counts, the Court in camera addressed issues regarding representation of counsel with the defendant,
14 and the Court continued the matter to July 10, 2019, at 1:30 p.m. [ECF No. 23];

15 WHEREAS, at the April 2, 2019 hearing, with the defendant's consent, the Court found that the
16 time from April 2, 2019, through July 10, 2019, shall be excluded from computation under the Speedy
17 Trial Act, 18 U.S.C. § 3161(h)(7)(A), (B)(ii) & (iv), and that a failure to grant a continuance would deny
18 defense counsel the reasonable time necessary for effective preparation, taking into account the exercise
19 of due diligence, and, under the circumstances, the ends of justice served by a continuance outweigh the
20 best interest of the public and the defendant in a speedy trial [ECF No. 23];

21 WHEREAS, a conflict has arisen for defense counsel, who are no longer available on July 10,
22 2019, because of another court commitment;

23 WHEREAS, the parties have conferred and respectfully request that the Court continue the July
24 10, 2019 status conference to July 17, 2019, at 1:30 p.m., and waive the defendant's personal
25 appearance;

26 WHEREAS, the parties stipulate and agree that an exclusion of time under the Speedy Trial Act,
27 from July 10, 2019, to July 17, 2019, is appropriate due to the complexity of the case and the need for
28 defense counsel to review relevant evidence and effectively prepare;

1 THEREFORE, the parties stipulate and agree, and respectfully request that the Court order, that
2 the status conference currently scheduled for July 10, 2019, be continued to July 17, 2019, at 10 a.m.
3 The parties stipulate and agree that excluding time until July 17, 2019, will allow for the effective
4 preparation of counsel given the complexity of the case. *See* 18 U.S.C. § 3161(h)(7)(B)(ii) & (iv). The
5 parties further stipulate and agree that the ends of justice served by excluding the time from July 10,
6 2019, to July 17, 2019, from computation under the Speedy Trial Act outweigh the best interests of the
7 public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A), (B)(ii) & (iv). The parties further
8 stipulate and agree the Court shall enter the proposed order below, which further memorializes the
9 Court's findings and exclusion orders. The parties further stipulate and agree that the defendant's
10 personal appearance at the July 17, 2019 status conference may be waived.

11 IT IS SO STIPULATED.

12 DATED: June 26, 2019

DAVID L. ANDERSON
United States Attorney

/s/

ROBERT S. LEACH
Assistant United States Attorney

16 DATED: June 26, 2019

BIRD, MARELLA, BOXER, WOLPERT,
NESSIM, DROOKS, LINCENBERG, & RHOW,
P.C.

/s/

GARY S. LINCENBERG
Attorneys for Defendant Stephen Chamberlain

21 **[PROPOSED] ORDER**

22 Based upon the facts set forth in the stipulation of the parties and the representations made to the
23 Court, and for good cause shown, the status conference currently scheduled for July 10, 2019, shall be
24 continued to July 17, 2019, at 10 a.m. The Court finds that failing to exclude the time from February 4,
25 2019, through July 17, 2019, would unreasonably deny defense counsel and the defendant the
26 reasonable time necessary for effective preparation, taking into account the exercise of due diligence and
27 the complexity of the case. 18 U.S.C. § 3161(h)(7)(B)(ii) & (iv). The Court further finds that the ends
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1 of justice served by excluding the time from February 4, 2019, through July 17, 2019, from computation
2 under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial.
3 Therefore, and with the consent of the parties, IT IS HEREBY ORDERED that the time from February
4 4, 2019, through July 17, 2019, shall be excluded from computation under the Speedy Trial Act. 18
5 U.S.C. § 3161(h)(7)(A), (B)(ii) & (iv). The defendant's personal appearance at the July 17, 2019 status
6 conference is waived.

7 IT IS SO ORDERED.

8 DATED:

9 THE HONORABLE CHARLES R. BREYER
10 United States District Judge

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